



## BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA

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(Regd. Post)

**Appeal No.** : 7/2025  
**Registered on** : 07.02.2025  
**Date of Order** : 11.04.2025

**In the matter of:**

**Appeal against the order passed by CGRF DHBVN Gurugram on 22.01.2025 in Case No DH/CGRF 4758/2024.**

M/s Indus Towers Ltd. Village Bilawal District Bhiwani  
Versus

**Appellant**

1. The Executive Engineer Operation, DHBVN, Charkhi Dadri
2. The SDO (Operation), DHBVN, Atela Kalan

**Respondent**

**Before:**

Shri Rakesh Kumar Khanna, Electricity Ombudsman

**Present on behalf of Appellant:**

Shri G.K. Nandan, Consultant EB

**Present on behalf of Respondents:**

Shri Aashish Sodhi, SDO (Operation), DHBVN, Atela Kalan

### **ORDER**

**A.** M/s Indus Towers Ltd. Village Bilawal District Bhiwani has filed an appeal against the order dated 22.01.2025 passed by CGRF, DHBVN, Gurugram in complaint No. DH/ CGRF 4758/2024. The appellant has requested the following relief: -

1. It is submitted that our Company M/s Bharti Infratel Limited. (now known as Indus Towers Limited) (herein after referred to as 'Company') is a Joint venture between three mobile operator companies i.e. Vodafone Group, Bharti Group, and Idea Group of Companies (hereinafter referred to as 'Operator Companies'), having its registered office at Building No. 10, Tower-A, 4th Floor, DLF Cyber City, Gurugram 122002 (Haryana) and Circle Office at Bestech Business Towers, 1<sup>st</sup> Floor, Tower A, Industrial area Plot No.1, Phase 9, SAS Nagar (Mohali), Punjab 160059. M/s Indus Towers Limited has been registered as an Infrastructure Provider, Category-1(IP-1) by the Department of Telecommunications, Ministry of Communications & IT, Government of India and commenced its operations w.e.f.1st April 2008, in the business of establishment, operation, maintenance and provision of telecommunication infrastructure services which inter alia includes towers and other allied equipment's, etc. of/ to various telecom service providers including the

aforesaid three Operator Companies who are providing an essential and public utility services.

2. That we have a permanent NDS connection bearing A/C No. 7535783000 in the name of M/S Indus Towers Ltd. at Village Bilawal District Bhiwani under Operation Subdivision, DHBVN, Atela Kalan.
3. We had applied for the release of a permanent NDS connection vide Application No. B36-422-209 in the name of M/S Indus Towers Ltd. at Village Bilawal under Operation Subdivision, DHBVN, Atela Kalan. The applied load of the connection was 21 KW. The SDO had prepared the Estimate and was sanctioned by the office of XEN OP Division Charkhi Dadri vide Sanction No. DD-25/2022-23 for the release of the connection. The proposed total length of HT line is 110 meters from the nearest existing HT Feeder. We had already deposited the Service Connection Charges of Rs.42000/- while applying for the release of the connection along with other applicable ACD etc. We have been debited the amount of Rs.343335 in addition to the Service Connection Charges of Rs.42000/.
4. That for getting released the new connection for 21 KW load we had deposited the requisite Service connection charges amounting to Rs.42000 in accordance with clauses 4.6, 4.7, 4.8, 4.8.1 of HERC Regulation No. HERC/34, 2016, 1<sup>st</sup> Amendment/2020, The Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security) Regulations, circulated vide DHBVN sales Circular D-12/2020.
5. But, contrary to the above crystal-clear instruction for Release of New Three phase non-domestic supply connection the charges applicable at Sr. No. 5 of table, audit party issued a half margin No.045/2022/32, dated: 19-12-2022, advising the subdivision to charge the cost of Estimate to release the above-mentioned new connection amounting to Rs.385335 instead of service connection charges deposited by us amounting to Rs.42000.
6. The subdivision charged Rs.343335 ( $385335-42000=343335$ ) without following the instructions prescribed in the above-mentioned HERC Regulation and debited Rs.343335 in the bill issued in the month of March

2024 and without following the instructions prescribed in the clause 6.10.4 of the HERC Regulation 29/2014.

7. We have represented Nigam to withdraw the wrong charges imposed upon our above-mentioned account/site, but we have not been heard.
8. As we were not heard by the Subdivision, Division offices of DHBVN we had filed a complaint before the Corporate CGRF DHBVN Gurugram. The complaint was registered by the Forum vide case No. 4758/GGN/2024, Dated: 06-09-2024. The proceedings of the case were held on dated: 20/09/2024, 07/11/2024, 22/11/2024, 20/12/2024 and 14/01/2025. During the proceedings we submitted two Rejoinders to the replies submitted by the defendant SDO.
9. In this context, it is intimated that the amount of Rs.343335 debited by the SDO OP Atela Kalan was in contravention to the Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations) 2016 and its subsequent amendments notified by Hon'ble Commission from time to time. As per ibid regulation, the difference of actual cost and Service Connection Charges for releasing the connection is chargeable only in case the connection is released on voltage level of 11 KV & above whereas in the present case the connection was to be released on LT level. The relevant provisions of the said Regulations are placed below: -

*4.6 The cost of extension of distribution main and/or its up-gradation up to the point of supply for meeting the demand of a consumer, whether new or existing, and any strengthening/augmentation/up-gradation in the system starting from the feeding substation for giving supply to that consumer, shall be payable by the consumer or any collective body of such consumers as per these Regulations.*

*4.7 However, the cost of augmentation of substation or creation of a new substation or cost of augmentation of the line feeding the substation from where the supply is to be given shall not form part of cost to be recovered from the consumer or collective body of consumers as per Regulation 4.6.*

*4.8 After receipt of application, complete in all respects, requiring supply of electricity and sanction of the load demand, the licensee shall issue a demand notice to the applicant in accordance with the provision under*



Regulation 4.4.3 of the Electricity Supply Code informing him of the details of charges to be paid by him on account of the following:- 4.8.1 The service connection charges/cost of extension of distribution system to be carried out by the licensee for release of new connection/extension of load, calculated in accordance with Annexure I to these Regulations shall be payable by the applicant.

#### ANNEXURE - I

(See Regulation 4.8.) Calculation of Service Connection Charges/Cost of Extension of Distribution System:

(1) For New Connection

The applicant shall bear the Service Connection Charges/Cost as prescribed hereunder:

Sr. No.	Category	Service Connection Charges (in Rs.) per kW of the connected load or part thereof.
1.	Single phase Domestic Supply up to 2 KW connected load	Rs. 200/-
2.	Single phase Domestic Supply above 2 KW connected load	Rs.500/-
3.	Three phase Domestic Supply Rs.1000/- 4 Single phase Non-Domestic Supply	Rs.1000/-
4.	Single phase Non-Domestic Supply	Rs.1000/-
5.	Three phase Non-Domestic Supply Rs.2000/-	Rs.2000/-
6.	Bulk supply & L.T. Industrial Supply	Rs.2000/-
7.	H.T Industrial Supply	Rs.2000/- per kVA of the contract demand or part thereof.
8.	AP Supply	The actual expenditure to be incurred for release of connection shall include the cost of LT/HT line and that of distribution transformer. In case more than one consumer are released connections from the same transformer, the cost of distribution transformer shall be shared on prorata basis corresponding to the load of each consumer.
9.	Streetlight	Actual cost as per deposit work estimate
10.	Other Consumers	Service connection charges as applicable for LT/HT Industrial supply

The above service connection charges shall be applicable where the length of new line to be provided is up to 150 meters. Where this length exceeds 150 meters, the applicant shall be required to pay additional charges of Rs. 175 per meter for load upto 50 kW and Rs. 250 per meter for loads in excess of 50 kW.

(2) In case the proposed connection is to be released on voltage level of 11 kV, the actual cost involved for releasing the connection would also be

worked out as per Standard Cost Data Book and the recoverable amount shall be the higher of the following: -

(a) Actual cost

(b) Total service connection charges applicable to the respective categories.

10. A bare perusal of the above provisions implies that Service Connection Charges are nothing but the charges which are to be paid by a consumer on account of Extension of Distribution System (irrespective of the fact that LT line is extended or HT line) for providing supply of electricity to its premises and a licensee is authorized to recover such expenditure from the consumer for cost of extension of distribution main up to the point of supply as per clause 4.6, 4.7, 4.8 4.81 of said regulation which were already paid by us in the name of "Service Connection Charges" (i.e. Rs. 42,000) in the present case. While difference of the actual cost of extension of the distribution system & Service Connection Charges is payable as per the said regulation only in case when the connection is to be released on 11 KV & above, whereas in the present case the connection was to be released on LT level. The provisions of ibid regulations are clear & explicit. If difference of the actual cost of extension of the distribution system & Service Connection Charges is charged in release of LT connection, the meaning of "Service Connection Charges" and provisions (1) & (2) of said Regulations shall become otiose.
11. Earlier SDO OP Atela Kalan in his first reply has misinterpreted the Regulations and relied on and had quoted the clarification given by SE Commercial DHBVN in another case.
12. Clearly the clarifications given by the SE Operation were concerned for those applicants who do not want to take the connection from the nearest available supply source, rather they insist on taking the supply from a source which is distant and for which the Licensee has to incur the extra expenditure. The charges, i.e. legitimate charges are justified and not that of a deposit estimate by the levy of additional departmental charges. The instructions are, however, not applicable for the connections which are sought from the nearby available supply source. Since the clarifications are circulated to other field offices and there is misinterpretation on their part and for all the connections whether from the nearest supply source

or distant supply source, the deposit estimate is being framed, and the prospective consumers are being forced to pay the cost of the deposit estimate beside the Service Connection Charges.

13. In the instant case, we have never insisted for the connection to be released from a particular feeder rather than it has been released from the nearest feeder and such remarks are appended by the concerned JE/SDO on the copy of estimate/sketch.
14. The SDO OP Atela Kalan has been quoting clause 4.6 in Isolation of Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations) 2016 in his First Reply to our complaint and subsequent replies to our Rejoinders. The SDO OP Atela Kalan has been time and again DHBVN sales circular D-12/2020, which relates to 1<sup>st</sup> amendment of Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations) 2016. The same words were there in clause 4.6 in the Regulation Haryana Electricity Regulatory Commission (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations) 2016. No amendment has been incorporated into clause 4.6 in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> amendments circulated in the years 2020, 2023 and 2023 respectively.
15. Wrong charges have been accepted by the office of SDO OP Atela Kalan on instance of Audit party by misinterpreting clause 4.6 of Regulation.
16. In conjunction with the aforesaid, it is pertinent to mention that the provisions/clauses of the regulations cannot be read in isolation but instead are to be read in toto. A comprehensive and harmonious perusal of the provisions/clauses of ibid regulation in totality clearly demonstrates that only service connection charges are chargeable from the NDS consumers, the difference in the actual cost of estimate & service connection charges is not payable by us. On perusal of regulations 4.6, 4.7, 4.8, 4.81 and it is observed that in such cases only service connection charges are required to be deposited from the prospective NDS consumer not the cost of extended distribution system.



17. But the Corporate CGRF DHBVN seems to have given the decision without comprehensive and harmonious perusal of the provisions/clauses of ibid regulation in totality by perusing the clause 4.6 in isolation as has been earlier misinterpreted by the Audit party and the subdivision office and the clarification given by SE Commercial DHBVN for another matter. The extract of the decision of CGRF DHBVN is reproduced below: -

“In view of above observations and submissions of both parties the forum is of view that SDO OP has rightly charged Rs.3,43, 335 from complainant and are payable for release of his connection as per SC D-12/ 2020 and D-29 / 2016 as per half margin number 45/ 32 dated: 19/12/2022 along with clarification issued by the office of SE commercial memo number Ch/64/SE/C/341/2005 dated: 17/08/2022. SDO is directed to recover charges from the complainant by issuing him proper notice” The forum has mentioned in its order/decision that the that the representative of complainant submitted rejoinder dated 09/01/2025 through email and same was forwarded through email to subdivision.

18. In its order Forum has brought on record the reply submitted by the SDO OP Atela Kalan in response to our Second Rejoinder submitted by us to CORPORATE CGRF on dated: 09/01/2025 through email. But the Forum astonishingly has not brought on record the second Rejoinder submitted by us wherein we have made the comprehensive deliberations in respect of respective regulations of HERC.

The order/decision passed by Corporate CGRF DHBVN is against the ibid HERC Regulations and the Sales Circulars issued by Nigam on the subject. The impugned order is also against the facts of the HERC Regulations and Instructions of the Nigam on the subject and is liable to be set aside.

- B.** The appeal was registered on 07.02.2025 as an appeal No. 7/2025 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 25.02.2025.
- C.** The respondent SDO vide email dated 24.02.2025 has submitted reply, which is reproduced as under:

In reference to your good office letter Memo NO. 5016/EO/HERC/Appeal No. 07/2025 dated 07.02.2025 point wise reply for the complaint submitted by M/S Indus Tower Ltd site at Village Bilawal is submitting for your kind consideration and further necessary action please.

1. That point No. 01 of the plaint is matter of record.
2. That point No. 02 of the plaint is matter of record.
3. That point No. 03 of the plaint as stated is matter of record and legal one.
4. That point No. 04 of the plaint is correct to the extent that the complainant had deposited the amount of service connection charge Rs. 42000/- but did not paid the difference of Estimate cost and Service Connection Charge according to DHBVN Sales Circular No. D-12/2020
5. That point No. 05 of the plaint is wrong hence decided and not admitted to be correct. However, the real facts of the case a that the complainant has only submitted service connection charge at the time of release of connection, which was pointed out by Audit Team issued Half Margin No. 45/2022/23 dated 19.12.2022 amounting Rs. 343335 against difference of sanctioned estimate amounting Rs. 385335/- and Service Connection Charge Rs. 42000/-as per Sales Circular No. D-29/2016 and D-12/2020.
6. That the point No. 06 of the plaint is wrong hence denied and not admitted to be correct. As the Half Margin was charged as per clause of 4.6 of DHBVN, Sales Circular No. D-12/2020, which is correct.
7. That the point No. 07 of the plaint is wrong hence denied and not admitted to be correct. As the reply for the CGRF complaint raised on portal by the complaints, the reply submitted for the same by this office.
8. That the point no. 08 of the plaint is matter of record and legal one.
9. That point no. 09 of the plaint is not correct, hence same is denied. The whole assertion made by the complainant is false and concocted one. However, the real facts of the case are that the complaint had applied for new NDS connection vide A7A No. No. B36-422-209 in the name of M/S Indus Tower Ltd at Village-Bilawal with 21 KW load. For release of connection the estimate was prepared and sanctioned vide Estimate No. DD-25/2022-23 amounting Rs. 385335/- due to rush of work the amount of R. 343335/- against defiance of sanctioned estimate and service connection charges was not charged to the consumer. Which was pointed out by Audit party and produced Half Margin No. 45/2022-23 dated 19.12.2022.

Which was charged by this office in the account of consumer in compliance of Nigam Sales Circular No. D-29/2016 and D-12/2020 (Clause 4.6 of D-12/2020 & Point No. 02 of clause 4.8 of D-12/2020).



10. That the point no. 10 of the plaint is not correct hence denied and not admitted to be correct, detailed reply has been given in the foregoing point No. 09.
11. That point No. 11 of the plaint is matter of record and legal one.
12. That point No. 12 of the plaints not correct, hence same is denied. The whole assertion made by the plaintiff is false and concocted one. However, the real facts of the case are that the complainant connection is released by providing separate T/F in according to DHBVN Sales Circular No. D-35/2024.

Installation dedicated/ separate distribution T/F for release of LT supply connections (Estimate while LT industrial and NDS connection) has been mandate for sanctioned load greater than 20 KW` and the amount for the difference of sanctioned estimate and service connection charged according to DHBVN Sales Circular No. D-29/2016 & D-12/2020 and SE Commercial clarification issued vide letter Memo No. Ch-64/SE/C/341/2005 dated 17.08.2022.

13. That the point No. 13 of the plaint is matter of record and legal one.
14. That the point no. 14 of the plaint is not correct hence denied ant not maintainable. Detailed reply has been given in the point No. 09.
15. That the point No. 15 of the plaint is wrong, hence same is denied. The whole aeration made by the plaintiff is false and concocted one.
16. That the point No. 16 of the plaint is wrong, hence denied and detailed reply has been given in the point No. 09.
17. That point No. 17 of the plaint is wrong, hence the same is denied. The whole aeration made by the plaintiffs false. Hon`ble corporate CGRF after studying the case in detail issued final orders in complaint No. 4758 of 2024 vide Memo No. 287/CGRF/CGN dated 28.01.2025. `` in view of above observations and submissions of both parties the forum is of view that SDO (OP) has rightly charged Rs. 343335/- from complaint and are payable for release of his connection as per Sales Circular No. D-12/2020 and D-29/2016 as per Half Margin No. 45/32 dated 19.12.2022 along with clarification issued by the office of SE Commercial Memo No. Ch-64/SE/C/341/2005 dated 17.08.2022.
18. The point no. 18 of the plaint is matter of record and legal one.

The final order/decision passed by Hon`ble corporate CGRF, DHBVN, Gurugram is as per Nigam Sales Circular and HERC regulation and instruction on the subject.

It is therefore requested that the complaint filed by the complainant is wrong, against the Nigam instructions as such the same is liable to be dismissed.

- D.** Hearing was held on 25.02.2025, as scheduled. Both the parties were present during the hearing through video conferencing. During the hearing, appellant intimated that reply received today and requested for short adjournment to file rejoinder in response to the reply submitted by the respondent. The appellant is directed to file rejoinder if any with in 7 days with an advance copy to the respondent.

Acceding to the request of appellant, the matter is adjourned and shall now be heard on 13.03.2025.

- E.** The appellant vide email dated 04.03.2025 has submitted rejoinder, which is as under: -

The Rejoinder in response to the Reply submitted vide Memo No. 642, Dated: 24/02/2025 by Respondent SDO OP DHBVN Atela Kalan in respect of appeal filed against the decision/order of Corporate Forum DHBVN 4781/GGN/2024 vide Memo No. 287-CGRF/GGN, Dated; 13/02/2025. The Applicant submits as below: -

1. This is in reference to the reply vide Memo No. 642, dated 24/102/2025 filed by SDO OP, DHBVN Atela Kalan, to the subject cited appeal filed by us. All submissions herein are made in the alternative and without prejudice to each other. Nothing submitted herein shall be deemed to be admitted unless the same has been admitted thereto specifically.
2. The contents of the appeal filed by us are reaffirmed and reiterated to be correct and we rely upon the same in the present Rejoinder. The same is to be read as part and parcel of this rejoinder and the same is not being repeated for the sake of brevity. We deny and dispute the contents, averments, and statements made by SDO OP S/D DHBVN Atela Kalan in the reply to the appeal which are contrary to or inconsistent with what has been stated hereinafter.
3. It is submitted that SDO OP, DHBVN Atela Kalan is making his own interpretations which are contrary to provisions of HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing

supply and Power to require security Regulations) 2016. It is mentioned here that words of clause 4.6 read with the definition of “Service Connection Charges”, provisions (1) & (2) of ibid HERC Regulations are plain and clear to the effect that higher of the actual cost and total service connection charges for release of a LT connection are not be borne by consumer. It is a rule of construction of statutes that in the first instance the grammatical sense of the word is to be adhered to. The words of a statute must prima facie be given their ordinary meaning. Where grammatical construction is clear and manifest and without doubt, that construction ought to prevail unless there be some strong and obvious reason to the contrary. In other words, the best possible interpretation of a statute would be to give its plain meaning. When the language of the statute is clear and unambiguous it is not necessary to look into the legislative intent or object of the Act.

4. The submissions of SDO are in contravention to clause 4.2.1 of Electricity Supply Code 2014 which is placed as under: “4.2.1 The licensee is responsible for ensuring that its distribution system is upgraded, extended and strengthened to meet the demand for electricity in its area of supply including the growth of such demand.” The submission of SDO is denied in totality in light of above provision of Electricity Supply Code as it is the duty of concerned SDO & Discom to make necessary arrangements for releasing of the connection as per law/regulations. Applicants are only bound to pay legitimate charges on account of Extension of Distribution System (irrespective of the nearby existing infrastructure HT or LT) in order to get its connection released which are Service Connection Charges in case of LT connection (Service Connection Charges are @ Rs. 2000/KW up to the distance of 150 meters and thereafter additional charges Rs. 175 per meter up to the load of 50 KW).
5. Definition of Distribution System provided under section 2 (19) of the Electricity Act 2003 states that distribution system is the system of wires and associated facilities between delivery points on the transmission lines or the generating station and the point of connection to the consumers. Relevant excerpt of Section 2 (19) is reproduced here as under: "distribution system" means the system of wires and associated facilities between the delivery points on the transmission lines or the generating station connection and the point of connection to the installation of the



consumers, Definition 2.3 (21) of HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations) 2016 provides as under: (21) “Extension of Distribution System” means the system of wires and associated facilities, required to be erected and/or extended for giving supply to the applicant, between the delivery points on the transmission lines or the generating station connection and the points of connection to the installation of the applicant; In view of the above, any system of wires (HT or LT) & associated facilities between the transmission lines/generating station and point of connection to the consumer are the part of the distribution system and while releasing a connection it is not be seen whether HT distribution system or LT distribution system is existent nearby as both are part of distribution system and Electricity Act 2003, Electricity Rules 2005 & HERC Regulations does not provide distinction within the distribution system in terms of HT distribution system and LT distribution system for purpose of calculation of cost of extension of distribution system/Service Connection Charges and supply of power to a LT consumer.

6. It has been wrongly presumed by SDO that the connection has been released on 11KV voltage level. It is well settled principle that while releasing a connection, voltage level at the metering side of the consumer is to be seen irrespective of the fact that which line (HT or LT) has been extended. Reference is invited to clause 3.2 of Haryana Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2014 which provides as follows: -

### 3.2 Classification of Supply

- (a) Supply shall generally be given at the following voltages on the basis of contracted load: -

Category	System of Supply
Low Tension	
Contracted load upto 5 kW	Single phase at 230 V
Contracted load above 5 kW and up to 50 kW	3 Phase 4 wire at 400 V
High Tension	
Contracted load exceeding 50 KW and up to 5000 kVA	3 Phase at 11 kV
Contracted load exceeding 2000 kVA and upto 25000 kVA	3 Phase at 33 kV
Contracted load exceeding 5000 kVA and upto 75000 kVA	Phase at 66 kV
Contracted load exceeding 25000 kVA and upto 100000 kVA	3 Phase at 132 kV
Contracted load exceeding 75000 kVA and upto 320000 kVA	3 Phase at 220 kV
Contracted load exceeding 320000 kVA	3 Phase at 400 kV

7. As per above table, it is evident that a Low-Tension connection is to be released at a voltage level of 230 V (up to 5 KW) and 400 V (above 5 KW and up to 50 KW). As such, it is submitted that the connection in our case (20 KW) has been released at the voltage level of 400 V (i.e. Low Tension), therefore as per HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations) 2016, only service connection charges are to be paid by us.
8. Further, SDO has placed its reliance on clause 4.6 of ibid regulations which provides as under: "4.6 The cost of extension of distribution main and/or its upgradation up to the point of supply for meeting the demand of a consumer, whether new or existing, and any strengthening /augmentation /up-gradation in the system starting from the feeding substation for giving supply to that consumer, shall be payable by the consumer or any collective body of such consumers as per these Regulations. In this context, it is submitted that the cost of extension of distribution system has been deposited by us (Rs. 42,000 as Service Connection Charges) of HERC (Duty to supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations) 2016. However, higher of actual cost and service connection charges shall be deposited only when the connection is to be released at 11 KV & above. The reliance of SDO on clause 4.6 of ibid regulation for depositing higher of the actual cost and service connection charges for release of a LT connection is misinterpreted. It is submitted that SDO is reading clause 4.6 in isolation and has turned a blind eye to the rest of provisions of HERC regulations. It is trite law that the provisions/clauses of the regulations cannot be read in isolation but instead are to be read in toto.
9. The defendant SDO relied on the letter dated 17.08.2022 issued by SE/Commercial, DHBVN, Hisar. In this context, it is submitted that the same is not relevant in the present case as SE/Commercial, DHBVN, Hisar vide ibid letter has issued clarification to the certain points pertaining to when applicants stress for release of connection from RDS feeder or from a particular feeder instead of nearest feeder. It is stipulated that while applying for this LT connection, we did not stress the release of connection from distant source of supply instead of nearest feeder.

10. Now the defendant SDO has lately mentioned in his reply to the appeal a new point of view that our connection has been released by providing a separate/dedicated transformer according to sales circular No.35/2024. The above mentioned circular has the reference of sales circular No. 26/2008 wherein certain categories of industries with connected load greater than 20 KW namely Saw Mills, Ice factories, Ice candies, Ice cream units, plastic items, Rubber items, insulating sleeves, Oil expeller, electroplating, Power coating, heat treatment, water supply, sanitation connections & Rice Mills irrespective of their load shall be released with dedicated distribution transformer with DT meter with GSM as per above guidelines. The cost of the new connections shall be borne by the consumer as per prevailing instructions of the Nigam. As per the sales circular No. 26/2008 the names of the industries had been specified in the ibid sales circular. In the ibid sales circular, there is no mention of Mobile Tower Connections. We have a considerable number of connections having loads more than 20 KW. But for releasing the new connections of having loads more than 20 KW never deposit estimate or estimate cost has been demanded or deposited by us to UHBVN or DHBVN. Moreover, as per the sales circular No. 35/2024, the matter has been reviewed, taking into account the difficulties related to i.e. installation of dedicated distribution transformers in congested areas, it is clarified that where difficulties arise in installing dedicated distribution transformers in such areas, the mandatory condition of installation of dedicated transformers may be relaxed for releasing connections by augmentation (if required) of existing transformer. Sales Circular No. D-26/2008 is amended to the above extent. As such the above viewpoint of defendant SDO has no locus standi.
11. It is pertinent to mention here that some sub-divisional offices under the jurisdiction area of DHBVN are arbitrarily charging the higher of the actual cost/estimate cost for releasing a new connection and total service connection charges for release of a LT connections. For release of similar nature of electricity connection (LT connection), different charges are being recovered under the jurisdictions few operation circles of DHBVN. It is further to intimate that this practice of seeking higher of the actual cost and total service connection charges for release of a LT connection is not prevalent in whole area of jurisdiction of UHBVN.



In view of the above, it is most humbly prayed that the order/decision passed by Corporate CGRF DHBVN is against the ibid HERC Regulations and the Sales Circulars issued by Nigam on the subject. The perusal of regulation 4.6, 4.7 & 4.8 in this regard is required to be read conjointly. It is also prayed that the impugned order dated 28/01/2025 passed by the Ld. CGRF vide Memo No. 287-CGRF/GGN may be set aside, and Nigam may be directed to withdraw of Rs. 3,43,335/- debited in our account along with applicable interest.

**F.** Appellant vide email dated 07.03.2025 submitted the following:-

Please refer to the attached Notice of motion in respect of the subject matter, while the case is pending before the Hon'ble Electricity Ombudsman Haryana your office has disconnected the supply the Connection of Indus Towers Ltd., Bilawal A/C No. 7535783000. The amount of Rs. 343335 debited into the bill is prejudice as the Appeal is pending before the Hon'ble Electricity Ombudsman Haryana and during the pendency of the Appeal disconnection of the supply arbitrarily is not in order.

It is therefore requested that the supply of the above-mentioned connection may be restored immediately as the supply remained connected during the period of case before Corporate CGRF DHBVN Gurugram.

As per contra, the respondent SDO vide email dated 10.03.2025 has submitted as follows:

“In this connection it is intimated that the connection of M/s Indus Tower site at Bilawal was disconnected on default in payment as the last payment done by the consumer is Rs. 3,73,404/- on 15.07.2024 against bill of Rs. 7,60,420/- dated 12.07.2024. The consumer has never paid his bills after 15.07.2024 and the connection was disconnected after issue of Final order of Corporate CGRF. Now the consumer has filled appeal against Corporate CGRF order without clearing his outstanding amount against bill and now demanding Reconnection on defaulting amount.

This is submitting for your kind information and necessary action, please.

It is also added that the defaulting amount of Rs. 7,33,483/- against the bill of Feb 2025 is pending on the part of consumer.”

**G.** Hearing was held on 13.03.2025, as scheduled. Both the parties were present, during the hearing appellant through his rejoinder submitted that the said connection has been connected with the nearest feeder and the same has been certified by the respondent SDO on the estimate copy and requested to read co-

jointly clause 4.6, 4.7 and 4.8 of HERC (Duty to Supply electricity on request, Power to recover expenditure incurred in providing supply and Power to require security Regulations), 2016. Respondent SDO has been directed to submit the point wise reply within 5 days on the rejoinder submitted by appellant on dated 04.03.2025.

Respondent has been directed not to disconnect the supply of appellant during the pendency of appeal before the Electricity Ombudsman. Also, appellant is directed to deposit current electricity bill except disputed amount to avoid disconnection of supply.

Accordingly, the matter is adjourned and shall now be heard on 11.04.2025.

**H.** The respondent SDO vide email dated 28.03.2025 has further submitted as follows: -

In reference to the Hon'ble E.O Haryana interim order Memo No. 5483/E0/HERC/Appeal No. 07/2025 dated 17.03.2025 and the rejoinder submitted by the consultant/EB, M/S Indus Tower Ltd reply is submitted as under, please:-

That in point No. 4 of the rejoinder the complaint mentioned clause 4.2.1 of electricity supply code 2014, but not aware about the new circular issued vide Sales Circular No. D-12/2020 "Duty to supply code 2020 regulation No. 4.4 which is placed as under: - 4.4. The license shall bear the cost of such strengthening, augmentation, upgradation and extension of the distribution system to meet the existing demand through its annual revenue requirements (ARR) and such cost shall be allowed to be recovered through tariff after prudence check by the commission. However, for individual consumers, the provision of regulation 4.6 shall apply." And the 4.6 regulation is already quoted in the reply submitted vide Memo No. 642 dated 24.02.2025. Hence the amount charged is according to the Nigam instructions.

That in Point No. 6, 7, 8 & 9 of the rejoinder it is intimated that as per the discussion during the hearing dated 13.03.2025 regarding Hon'ble Electricity Ombudsmen Appeal No. 33/2024 Final decision and clarification on cost applicability for LT connection up to 50 kW vide SE Commercial letter Memo No. CH-98/SE/C/8/2001/VOL-1 dated 23.01.2025 in which it is placed as under : 3 pending final decision on the petition, it has been decide by the Nigam management that the following guidelines shall apply :

" Service connection Charge (SCC)- SCC, as outlined in Annexure-1 to regulation 4.8.1 of HERC duty to supply Electricity Regulation is 2016 shall be applicable for LT connection up to 50 Kw.

It is therefore humbly requested to the Hon'ble Electricity Ombudsman that the refund will be initiate as per the above mentioned clarification after the final judgment of Hon'ble Electricity Ombudsman.

- I. Hearing was held on 11.04.2025, as scheduled. Both the parties were present, during the hearing, respondent SDO reply dated 28.03.2025 was discussed and the same was provided to the appellant through whatsapp and appellant was agreed with the reply submitted by the respondent SDO.

### **Decision**

After hearing both the parties and going through the record made available on file and in consideration to the deliberations made during hearing, it is ordered that only service connection charges amounting to Rs. 42,000/- (applicable to 21KW LT connection) and requisite ACD and processing charges are required to be charged from the appellant in accordance with clause 4.6, 4.7, 4.8, 4.8.1 and Annexure-1 conjointly of HERC Regulation No. HERC/34, 2016, 1<sup>st</sup> Amendment/2020, The Haryana Electricity Regulatory Commission (Duty to supply electricity on request). Further, SDO respondent is directed to withdraw the wrong charges of Rs. 3,43,335/- alongwith surcharge from the bill of appellant. Accordingly, the order dated on 22.01.2025 in Case No DH/CGRF 4758/2024 is set aside.

The instant appeal is disposed of accordingly.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 11<sup>th</sup> April, 2025.

Sd/-

**(Rakesh Kumar Khanna)**  
**Electricity Ombudsman, Haryana**

**Dated:11.04.2025**

**CC**

**Memo No. 136-142/EO/HERC/Appeal No. 7/2025**

**Dated:15.04.2025**

1. M/s Indus Towers Ltd. Bestech Business Towers Ltd., Tower A, Industrial Plot No. 1, Phase-9, Sector-66, Mohali-160059.
2. The Managing Director, DHBVN, Hisar.
3. Legal Remembrancer, Haryana Power Utilities, Panchkula.
4. The Chief Engineer Operation, DHBVN, Hisar Zone.
5. The SE Operation Circle, DHBVN, Bhiwani.
6. The XEN Operation, DHBVN, Charkhi Dadri.
7. The SDO Operation, DHBVN, Atela Kalan